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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Pacific Development Capital Incorporated,

No. CV-25-01222-PHX-MTL

10 Plaintiff,

ORDER

11 v.

12 James Keefer,

13 Defendant.
14

15 Plaintiff moves to remand this action to the Arizona Justice Court, University Lakes
16 Precinct. (Doc. 12) The deadline to file a responsive brief has passed without Defendant
17 responding. The Motion will be granted.

18 Federal courts are courts of limited jurisdiction. A case originally filed in state court
19 may be removed to a federal court only if the federal court would have had original
20 jurisdiction over the action. 28 U.S.C. § 1441(a). The removing party, here, Defendant
21 James Keefer, bears the burden of establishing that removal is proper. *Emrich v. Touche*
22 *Ross & Co.*, 846 F.2d 1190, 1195 (9th Cir. 1990). The removal statutes are strictly
23 construed such that any doubts are resolved in favor of remand. *Id.*; *see also Gaus v. Miles,*
24 *Inc.*, 980 F.2d 564, 566 (9th Cir. 1992). Whenever a federal court determines that it lacks
25 subject matter jurisdiction in a removed case, it must remand the matter to state court. 28
26 U.S.C. § 1447.

27 Plaintiff initiated this special detainer action for unpaid rent under Arizona law in
28 the Arizona Justice Court. *See* A.R.S. §§ 33-1368, 33-1377. The complaint asserts no other

1 claims. Thus, federal question jurisdiction does not exist. *See* 28 U.S.C. § 1331. The parties
2 are not diverse under federal court diversity jurisdiction. *See id.* § 1332. This is confirmed
3 by Defendant in the Notice of Removal, which states that both parties are Arizona
4 residents. (Doc. 1)

5 The only basis for removal provided by Defendant is that “[t]here is a federal appeal
6 pending and the federal court has jurisdiction over this matter §§ 11 US Code 362.” (*Id.*)
7 That statute provides for an automatic stay of proceedings when a debtor files for
8 bankruptcy protection. It does not confer federal court jurisdiction in an unrelated state
9 court case.

10 For these reasons, and the reasons set forth in the Motion to Remand,

11 **IT IS ORDERED** that the Motion to Remand (Doc. 12) is **GRANTED**. The Clerk
12 of Court is instructed to remand this matter to the Arizona Justice Court, University Lakes
13 Precinct, and close this case.

14 **IT IS FURTHER ORDERED** that the Application for Leave to Proceed In Forma
15 Pauperis (Doc. 3) is **DENIED** as moot.

16 Dated this 30th day of May, 2025.

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20 Michael T. Liburdi
21 United States District Judge
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